

## **REMARKS**

### **A. Introduction**

Claims 1-26 are pending and under consideration in the application.

In the Office Action of September 9, 2009 ("the Office Action"), claims 1-26 were rejected as obvious.

Without conceding to the merits of the rejections, claims have been amended to clarify an aspect of the present general inventive concept. No new matter has been introduced.

Reconsideration and allowance of all the pending claims are requested in view of the following remarks.

### **B. Rejection under 35 USC §103**

Claims 1, and 3-26 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication 2003/0044719 to Katoh in view of U.S. Patent Publication 2003/0161988 to Hwang. Applicants traverse these rejections for at least the following reasons.

#### **1. Independent Claim 1**

Independent claim 1 presently recites, *inter alia*, "wherein...the lower dielectrics layer includes a first lower dielectrics layer laminated onto a second lower dielectrics layer, the second lower dielectrics layer (i) spacing the reflective layer from the first lower dielectrics layer and (ii) formed of a material that inhibits corrosion of the reflective layer; and the upper dielectrics layer includes a first upper dielectrics layer and a second upper dielectrics layer laminated onto the first upper dielectrics layer, the second upper dielectrics layer (i) spacing the light transmissive layer from the first upper dielectrics layer and (ii) formed of a material that inhibits corrosion of the light transmissive layer." These four dielectric layers cooperate to advantageously prevent corrosion and deterioration while providing uniform thickness and desired reflectance thereby ensuring reproduction stability. See Spec. paras. 0068-0071.

The Examiner acknowledges that the primary reference, Katoh, fails to teach or suggest all of the layers as recited by independent claim 1 and is deficient. See the Non-Final OA, para. 5. In attempt to remedy the Katoh deficiency, the Examiner relies on Hwang.

However, Hwang is limited to dielectric layers 12/14/16/18 that are each separated by a

layer, i.e., a recording layer 13, a separation layer 15, and a recording layer 17. This is not the same as “wherein...the lower dielectrics layer includes a first lower dielectrics layer laminated onto a second lower dielectrics layer, the second lower dielectrics layer (i) spacing the reflective layer from the first lower dielectrics layer and (ii) formed of a material that inhibits corrosion of the reflective layer; and the upper dielectrics layer includes a first upper dielectrics layer and a second upper dielectrics layer laminated onto the first upper dielectrics layer, the second upper dielectrics layer (i) spacing the light transmissive layer from the first upper dielectrics layer and (ii) formed of a material that inhibits corrosion of the light transmissive layer,” as recited by independent claim 1 (emphasis added). Thus, Hwang also does not teach or suggest all of the elements recited by independent claim 1 and is unable to provide the aforementioned benefits of independent claim 1.

## **2. Independent Claim 14**

Independent claim 14 presently recites, *inter alia*, “forming the reflective layer on one main surface of a substrate; a first lower dielectrics layer laminated onto a second lower dielectrics layer, the second lower dielectrics layer (i) spacing the reflective layer from the first lower dielectrics layer and (ii) formed of a material that inhibits corrosion of the reflective layer, and thereby forming the lower dielectrics layer; forming the recording layer on the lower dielectrics layer; a first upper dielectrics layer and a second upper dielectrics layer laminated onto the first upper dielectrics layer, the second upper dielectrics layer (i) spacing the light transmissive layer from the first upper dielectrics layer and (ii) formed of a material that inhibits corrosion of the light transmissive layer, and thereby forming the upper dielectrics layer.” These four dielectric layers cooperate to advantageously prevent corrosion and deterioration while providing uniform thickness and desired reflectance thereby ensuring reproduction stability. See Spec. paras. 0068-0071.

As pointed out above, the Examiner acknowledges that the primary reference, Katoh, fails to teach or suggest all of the layers as recited by independent claim 1 and is deficient. See the Non-Final OA, para. 5. In attempt to remedy the Katoh deficiency, the Examiner relies on Hwang.

However, Hwang is limited to dielectric layers 12/14/16/18 that are each separated by a layer, i.e., a recording layer 13, a separation layer 15, and a recording layer 17. This is not the

same as “a first lower dielectrics layer laminated onto a second lower dielectrics layer, the second lower dielectrics layer (i) spacing the reflective layer from the first lower dielectrics layer and (ii) formed of a material that inhibits corrosion of the reflective layer, and thereby forming the lower dielectrics layer;...a first upper dielectrics layer and a second upper dielectrics layer laminated onto the first upper dielectrics layer, the second upper dielectrics layer (i) spacing the light transmissive layer from the first upper dielectrics layer and (ii) formed of a material that inhibits corrosion of the light transmissive layer, and thereby forming the upper dielectrics layer,” as recited by independent claim 14 (emphasis added). Thus, Hwang also does not teach or suggest all of the elements recited by independent claim 14 and is unable to provide the aforementioned benefits of independent claim 14.

Accordingly, independent claim 1 and 14 are patentable over Katoh and Hwang, separately or combined, and withdrawal of these rejections and allowance of these claims are earnestly solicited. Likewise, claims depending from independent claims 1 and 14 include all of the limitations of these independent claims and are allowable over these references for at least the same reasons discussed above with respect to these independent claims.

### **C. Conclusion**

In view of the foregoing, it is submitted that claims 1-26 are allowable and that the application is in condition for allowance. Notice to that effect is requested.

If any further fees are required in connection with the filing of this amendment, please charge the same to our Deposit Account No. 19-3140.

Respectfully submitted,  
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